

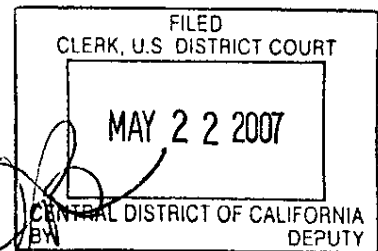
DICAPRIO v. MENU FOODS INCOME FUND et al

Doc. 3 Att. 1

1 Jean M. Lawler (SBN 91254)
 jlawler@murchisonlaw.com
 2 Gina E. Och (SBN 170520)
 goch@murchisonlaw.com
 3 **MURCHISON & CUMMING, LLP**
 801 South Grand Avenue, 9th Floor
 4 Los Angeles, California 90017-4613
 Telephone: (213) 623-7400
 5 Facsimile: (213) 623-6336

✓ Priority
 — Send
 — Clsd
 — Enter
 — JS-5/JS-6
 — JS-2/JS-3

6 Attorneys for Defendants,
 MENU FOODS, INC., MENU FOODS
 7 LIMITED, MENU FOODS INCOME
 FUND, MENU FOODS MIDWEST
 8 CORPORATION, MENU FOODS
 SOUTH DAKOTA, INC., MENU FOODS
 9 HOLDINGS, INC., and MENU FOODS
 OPERATING TRUST



LODGED

MAY 14 4:49 PM
 U.S. DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA
 LOS ANGELES

11 UNITED STATES DISTRICT COURT
 12 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

14 DAWN HOWE, on behalf of herself and
 all other similarly situated

15 Plaintiffs,

16 vs.

17 MENU FOODS INC., MENU FOODS
 18 LIMITED, MENU FOODS INCOME
 FUND, MENU FOODS MIDWEST
 19 CORPORATION, MENU FOODS
 SOUTH DAKOTA, INC., MENU
 20 FOODS HOLDINGS, INC., MENU
 FOODS OPERATING TRUST, and
 21 DOES 1 through 100 Inclusive, et al.,

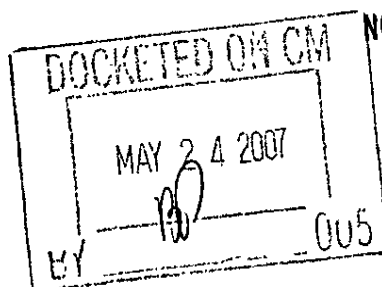
22 Defendants.

CASE NO. CV-07-02060 GHK (AJWx)

**PROPOSED ORDER STAYING
 ALL PROCEEDINGS AND FOR
 PRESERVATION OF EVIDENCE**

Date: June 11, 2007
 Time: 9:30 a.m.
 Ctrm: 650

Judge: Hon. George H. King



NOTE CHANGES MADE BY THE COURT.

26

1 On ^{May 22,} ~~June 11,~~ 2007, defendants, MENU FOODS, INC., MENU FOODS LIMITED,
 2 MENU FOODS INCOME FUND, MENU FOODS MIDWEST CORPORATION, MENU
 3 FOODS SOUTH DAKOTA, INC., MENU FOODS HOLDINGS, INC., and MENU
 4 FOODS OPERATING TRUST's Motion to Stay All Proceedings came on regularly for
 5 hearing before the Honorable George H. King, Judge presiding in the above-entitled
 6 action.

7 Having considered the motion, the papers filed in support thereof and in opposition
 8 thereto, all relevant authorities, ~~the oral argument of counsel,~~ and the case file, the Court *K*
 9 hereby,

10 **IT IS ORDERED AND ADJUDGED** that this matter, including the deadlines for
 11 the parties to participate in class certification and other pretrial proceedings, be stayed
 12 pending the establishment of *decision by the Panel on Multi-District Litigation on the pending*
 13 *In re: Pet Food Products Liability Litigation, MDL Docket*
 14 *motions to transfer & consolidate / coordinate pending actions.*
 15 ~~No. 1850, and the potential subsequent transfer of this case for coordinated pretrial~~

K 14 ~~proceedings with other actions pending throughout the country.~~ *Counsel shall*
 15 *file a joint status report within 30 days of such decision by the MDL Panel*
 16 **IT IS FURTHER ORDERED** that all parties shall, during the pendency of the

17 stay of this matter, comply with their duty to preserve all evidence that may be relevant to
 18 this action. This duty extends to documents, electronic data, and tangible things in the
 19 possession, custody and control of the parties to this action, and any employees, agents,
 20 contractors, or carriers who possess materials reasonably anticipated to be the subject of
 21 discovery in this action. "Preservation" is to be interpreted broadly to accomplish the goal
 22 of maintaining the integrity of all documents, data and tangible things reasonably
 23 anticipated to be the subject of discovery under Federal Rules of Civil Procedure 26, 45
 24 and 56(e) in this action. Preservation includes taking reasonable steps to prevent the
 25 partial or full destruction, alteration, testing, deletion, shredding, incineration, wiping,
 26 relocation, migration, theft, or mutation of such material, as well as negligent or
 27 intentional handling that would make material incomplete or inaccessible. If the business
 28 practices of any party involve the routine destruction, recycling, relocation, or mutation of
 materials, the party must, to the extent practicable for the pendency of this order, either:

- i) halt such business practices;
- ii) sequester or remove such material from the business process; or
- iii) arrange for the preservation of complete and accurate duplicates or copies of such material, suitable for later discovery if requested.

Dated: 5/22/07



THE HONORABLE GEORGE H. KING
UNITED STATES DISTRICT COURT JUDGE

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 801 South Grand Avenue, 9th Floor, Los Angeles, California 90017-4613.

On May 11, 2007, I served true copies of the following document described as **[PROPOSED] ORDER** on the interested parties in this action as follows:

BY MAIL: I enclosed the document in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Murchison & Cumming's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on May 11, 2007, at Los Angeles, California.


MARJORIE K. DE JOHNETTE

SERVICE LIST

Jeff S. Westerman, Esq.
Sabrina S. Kim, Esq.
MILBERG WEISS
300 South Grand Avenue, Suite 3900
Los Angeles, CA 90071
Tele: (213) 617-1200
Fax: (213) 617-1975

Plaintiff, Dennis Lee Townsend

FWS\27612\HOWE\MTS-ORD-051107-GEO